**Anti-Slavery Australia**

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Submission to the Office of the High Commissioner for Human Rights

anti-slavery australia contribution to HRC Report on equal enjoyment of the right to education by every girl

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# Table of Contents

[Table of Contents 1](#_Toc160199200)

[Acknowledgments 2](#_Toc160199201)

[1. About Anti-Slavery Australia 2](#_Toc160199202)

[2. Modern Slavery and Climate Change 3](#_Toc160199203)

[3. Barriers to the right to education in the climate change context 4](#_Toc160199204)

[Gender discrimination 4](#_Toc160199205)

[Extreme poverty 5](#_Toc160199206)

[4. Ensuring the right of every girl to education 6](#_Toc160199207)

[Availability 7](#_Toc160199208)

[Accessibility 8](#_Toc160199209)

[Acceptability 9](#_Toc160199210)

[Adaptability 10](#_Toc160199211)

# Acknowledgments

Anti-Slavery Australia acknowledges the traditional Owners of Country and the Holders of Knowledge, the Gadigal people of the Eora Nation, upon whose lands and waters we work, and extend our respect to their Elders both past, present and emerging.

This submission draws upon Anti-Slavery Australia’s research and advocacy as well as our extensive experience in working with and providing legal advice and assistance to victims and survivors of modern slavery in Australia since 2003.

Anti-Slavery Australia expresses sincere gratitude and respect for all survivors of modern slavery whose experiences have inspired and continue to drive our advocacy to ensure the protection and fulfillment of survivor rights and that the voice of lived experience is incorporated into all our work.

# 1. About Anti-Slavery Australia

Anti-Slavery Australia, at the University of Technology Sydney, welcomes the opportunity to make a submission to the Office of the United Nations High Commissioner for Human Rights (‘OHCHR’) to assist with the preparation of a report to the Human Rights Council on how climate change can have an impact on the realisation of the equal enjoyment of the right to education by every girl.

Anti-Slavery Australia is the only specialist legal, research and policy university centre in Australia working to end modern slavery. For 20 years, our team has been providing access to pro bono legal and migration services to people who have experienced or are at-risk of modern slavery; engaging in research and advocacy grounded in the firsthand experience of survivors; and delivering training on modern slavery to frontline service providers, government, community, law enforcement, business, students and educators.

# 2. Modern Slavery and Climate Change

Modern slavery is a gross violation of an individual’s human rights and dignity. The term ‘modern slavery’ is not defined under international law but in Australia is considered to be an umbrella term describing human trafficking, slavery and slavery-like practices such as servitude, forced labour, forced marriage and the worst forms of child labour.

Climate change intensifies the risk of modern slavery, primarily in the form of human trafficking and forced marriage.[[1]](#footnote-1) Harmful effects of climate change include, but are not limited to, housing unrest, forced displacement, income reduction, and disruption of education.[[2]](#footnote-2) Climate vulnerability triggers two key drivers of modern slavery: discrimination/marginalisation and poverty levels.[[3]](#footnote-3) Women and girls in particular, are left vulnerable to modern slavery practices[[4]](#footnote-4) with young women reported to be amongst those most vulnerable following a climate disaster.[[5]](#footnote-5) As avenues of income are limited, the vulnerability of girls becoming victims of forced marriage or exploitation is heightened as a means of relieving familial financial burdens and/or as a perceived form of protection against violence and abuse.[[6]](#footnote-6) As climate change continues to impact girls’ access to education and resources, their full participation in society as equal citizens will be hindered and their vulnerability to modern slavery will increase, leading to more cases of modern slavery.[[7]](#footnote-7)

We observe that despite the clear links between gender-based violence, including modern slavery practices such as trafficking and forced marriage, and climate change, the human rights impacts of climate as a driver of modern slavery seem to be unrecognised and are rarely debated at the international or national level. We submit that as a result, the perspectives of women and girls, who are disproportionally impacted by climate change and modern slavery, are being ignored and overlooked.

# 3. Barriers to the right to education in the climate change context

The heightened risks of modern slavery in the context of climate change mirror the barriers that prevent girls from realising their right to education more broadly. Lack of access to education is underpinned by existing and persistent inequalities through gender discrimination and poverty as outlined below.[[8]](#footnote-8) As Siobhán Mullally, Special Rapporteur on Trafficking in Persons, emphasised:

‘These heightened risks and vulnerability to exploitation are not inevitable or fixed, nor are they inherent in the human condition. They arise from policy failures, failures of political will and failures of international cooperation and solidarity.’[[9]](#footnote-9)

## Gender discrimination

Gender discrimination in educational settings can take many forms. Of particular concern is the exposure to gender-based violence that girls face both inside and outside of the school environment. Within school settings, girls may be subjected to sexual abuse or harassment by students, teachers or community members. Outside of school, exposure to gender-based violence could take place in the home, on the way to or from school, or in the community at large. As a result of violence, girls may be kept out of or withdrawn from school or become unable to fully participate in their learning.[[10]](#footnote-10)

Modern slavery and gender-based harm often intersect. Indeed the CEDAW Committee has explicitly recognised that trafficking in women and girls is a form of gender-based violence contemplated by the CEDAW Convention and as such, States have a positive obligation to adopt prevention measures.[[11]](#footnote-11) As the prevalence of gender-based violence in modern slavery increases, so does the vulnerability of women and children.[[12]](#footnote-12) Further, structural gender inequality has a profound impact on the prevalence of modern slavery and gender-based harm.[[13]](#footnote-13) Gender inequality entrenched in cultural and social practices results in increased acceptability for gender-based violence, and in turn, cases of modern slavery.[[14]](#footnote-14)

## Extreme poverty

Both sudden and slow-onset climate events can impact on people’s livelihoods. Sudden climate disasters can destroy land, property and crops, plunging individuals, families and even entire communities into poverty. Slow-onset events particularly affect populations engaged in natural resource-based livelihoods. Irreversible damage can be caused to land and waterways, for example, through land erosion, ocean acidification or repeated droughts, which can increase household debt and poverty levels.[[15]](#footnote-15) As a result, families might engage in high-risk behaviours and other negative coping strategies. For example, girls can be withdrawn from school and forced to undertake paid or unpaid work to supplement household income.[[16]](#footnote-16) Alternatively, child marriage is becoming a survival mechanism for families struggling with hunger and reduced household income resulting from unpredictable weather.[[17]](#footnote-17)

Another strategy for those affected by sudden and slow-onset climate events is migration. Individuals may move voluntarily to diversify their livelihood options or may be forcibly displaced as a result of a climate disaster. According to data published by the United Nations High Commissioner for Refugees in 2021, over the past decade, an average of 21.5 million new displacements occurred each year due to weather-related events.[[18]](#footnote-18) In 2022, there were an estimated 108.4 million forcibly displaced people, of which 40% (approx. 43.3 million) were children.[[19]](#footnote-19)

Asylum seeking and refugee children, particularly those who are unaccompanied and separated from families and guardians, are at high risk of trafficking and other modern slavery practices.[[20]](#footnote-20) In evacuation and displacement centres where there is a lack of privacy and proper lighting, girls especially are exposed to increased risks of sexual abuse, trafficking and exploitation due to the unsafe conditions of their accommodation. Similarly, their right to education is often infringed due to the lack of access and availability of schools and/or the poor quality of education provided.

# 4. Ensuring the right of every girl to education

The Committee on the Rights of the Child (‘CRC Committee’), in its latest *General Comment*, noted:

‘Children’s rights, like all human rights, are indivisible, interdependent and interrelated. Some rights are particularly threatened by environmental degradation. Other rights play an instrumental role in safeguarding children’s rights in relation to the environment. The right to education, for example, is a right that has both dimensions.’[[21]](#footnote-21)

The dual dimension of the right to education is particularly evident in the context of climate change and modern slavery. For example, girls forced to marry or those subjected to other forms of modern slavery due to food insecurity, extreme poverty or the absence of a safe and protective environment may be withdrawn from education.[[22]](#footnote-22) This not only restricts their educational development but further isolates them from their social networks, which, in turn, can impact their ability to seek assistance and support, leaving them more vulnerable to exploitation. Conversely, education is recognised as the pathway to gender equality and empowerment.[[23]](#footnote-23) It reduces poverty, boosts economic growth and increases income, improves health outcomes and equips individuals with important life skills that strengthen their capacity to enjoy the full range of their human rights.[[24]](#footnote-24) Thus, education can be a protective factor against modern slavery for girls who might otherwise be vulnerable to such practices.

Education systems offer significant opportunities to advance social change. Given their universal reach, schools play a key role in influencing behaviours, norms and values systems.[[25]](#footnote-25) However often, educational institutions continue to reinforce discriminatory gender norms and practices which maintains the gender order in society.[[26]](#footnote-26) Below we discuss how the barriers highlighted in the section above impact on the four elements of the right to education.

## Availability

Availability refers to functioning educational institutions and programmes that are available in sufficient quantity within the jurisdiction of the State.[[27]](#footnote-27) As highlighted by the CEDAW Committee, availability requires that schools and other educational institutions are within safe reach for girls.[[28]](#footnote-28) The prevalence of gender-based violence against girls in public spaces makes it critical that schools are both within a proximity that can be accessed safely by girls and provide adequate infrastructure to meet the needs of girls, including appropriate and safe water, sanitation and hygiene facilities. Remoteness from school and a lack of a safe school environment discourage participation by girls and thus act as significant barriers to attendance.[[29]](#footnote-29) This is particularly the case for girls living in rural areas, girls with disabilities and girls from indigenous and ethnic minority groups.

It is essential that governments **continue to provide adequate budgetary, human and administrative resources to ensure that educational institutions are both available, inclusive and safe for all girls, particularly in the aftermath of sudden-onset disasters when public spending priorities are adjusted**.[[30]](#footnote-30)

Moreover, in disaster situations, when schools may be destroyed or used as shelters, **States should give priority to the rebuilding/rehabilitation of schools and in the interim, adopt innovative measures that ensure unavoidable interruptions to girls’ education are limited and their schooling continues in a safe environment.**

## Accessibility

In addition to physical access through the availability of educational facilities, States must also consider other factors that impact on the accessibility of school for girls. For example, educational institutions and their policies and programmes must ensure that every girl has access to education, in both law and practice, without discrimination.[[31]](#footnote-31) Particular consideration should be given to girls who experience both intersectional discrimination and heightened risks of trafficking, slavery or slavery-like practices that exacerbate the negative impact of climate change. Examples include girls from ethnic minority and cultural groups; refugee, asylum seeking and migrant girls; girls with disabilities; girls living in rural settings; girls in street situations; and girls that identify as lesbian, bisexual, transgender and intersex.[[32]](#footnote-32)

The Special Rapporteur on Trafficking has emphasized the urgent need to address the heightened risk of trafficking of Stateless children. She notes that the increased risks are linked to their precarious legal status and the consequential violations resulting from limited access to documentation, education and social protection.[[33]](#footnote-33) **States must take all necessary measures to end statelessness and ensure children have access to education without discrimination.**

In addition to being inclusive, education must be affordable for all. Regrettably, this is not the case in many States. Direct and indirect education costs, such as school fees and the costs associated with school uniforms, lunches, transportation, textbooks and other educational materials, make education unaffordable for many. As underscored above, climate change is compounding the issue by drastically impacting on household income in affected communities. As a result, poverty levels are exponentially increasing and driving families to engage in risky and negative coping strategies that impact on the right of girls to an education. **It is critical that all States ensure that every girl completes free, equitable and compulsory quality primary and secondary education, in line with the recommendations of the CEDAW Committee and Target 4.1 of the Sustainable Development Goals.**

## Acceptability

Pursuant to article 29(1) of the *Convention on the Rights of the Child*, the goal of education is ‘to empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence.’[[34]](#footnote-34) As such, it should ‘embrace the broad range of life experiences and learning processes which enable children, individually and collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society.’[[35]](#footnote-35)

In order to comply with their obligations under the Convention, States should ensure that age-appropriate education on children’s rights, including specific emphasis on the rights of girls, is integrated into school curricula at all levels to ensure girls build their resilience and capacity to adapt to climate change impacts and the associated heightened risks of modern slavery. **We submit that education should be holistic and non-discriminatory and, at a minimum, include:**

* **Information on the importance of education and its various economic, social, cultural and political benefits;**
* **Solutions-oriented climate education which develops knowledge and understanding on the right to a healthy, clean and sustainable environment and addresses the structural causes of climate change;**
* **Teaching consistent with the principles of gender equality that challenges and changes harmful gender stereotypes, norms and patriarchal ideologies that prevent girls from freely and fully exercising and enjoying their rights, particularly their rights to education and freedom from violence;**
* **Comprehensive health and sexuality education, that covers sexual and reproductive health rights of girls including information on puberty, menstruation, responsible sexual behaviour, prevention of early pregnancy and prevention of sexually transmitted infections as well as information on harmful practices such as female genital mutilation and child marriage;**
* **Information on the right to freedom from all forms of violence, including in particular, targeted awareness raising around modern slavery practices and information on referral and support pathways;**
* **Information on bullying and harassment, particularly the dangers of cyberbullying and online sexual exploitation.[[36]](#footnote-36)**

## Adaptability

The increasing prevalence of slow and sudden-onset climate events and their associated disruptions to education elevates the importance of this element of the right. Adaptability requires education to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students.[[37]](#footnote-37)

There is evidence which indicates that in the wake of climate disaster events, trafficking networks target vulnerable girls, particularly those with disabilities and those who may have been separated from their families/caregivers. In recognition of the heightened risks of modern slavery that these groups of girls experience, **State emergency plans should include specific prevention measures tailored to the needs of vulnerable groups including, but not limited to, ongoing access to a safe school environment.** In this context, technology may be an appropriate alternative to providing physical access to educational facilities given it provides specific benefits to girls who have limited access to school.[[38]](#footnote-38) However, recognising the widespread issue of online child sexual exploitation and the emerging trend of traffickers to facilitate the recruitment of child victims via digital technology, appropriate safeguards should be implemented to ensure girls remain protected against violence, abuse and modern slavery. The CRC Committee’s *General Comment on the Rights of the Child in relation to the Digital Environment* provides relevant guidance in this regard.[[39]](#footnote-39)

Moreover, **teachers and other frontline workers in the education sector should be equipped with training to identify indicators of modern slavery and effectively respond to cases involving students. Training should include information on the heightened risk of modern slavery in disaster settings, appropriate referral and support pathways as well as the rights of victim-survivors.**

As displacement causes particular barriers to learning, special consideration should be given to the needs of migrant, refugee and asylum seeking girls. We wish to draw attention to the following recommendation of the CEDAW Committee in relation to the protection of girls from modern slavery in the context of forced displacement and migration:

**‘Establish a gender-responsive and safe migration framework to protect migrant … girls, including those with an irregular migration status, from violations of their human rights at every stage of migration by:**

1. **Supporting increased access to pathways for safe and regular migration to avoid exploitation… considering the specific needs of women and their children and ensuring the rights of the migrant populations within such pathways to protected formal employment opportunities and *legal paths to education and vocational training*, in both their countries of origin and destination (emphasis added).’[[40]](#footnote-40)**

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